SINGLE BENCH

(1)

3

BEFORE THE HON'BLE HIGH COURT OF CHHATTISGARH AT BILASPUR

W.P. NO. 3530 OF 2005.

PETITIONER :- 1. Lal Babu, son of Murtaja Ali, aged 23 years, Occupation Driver of the vehicle,

RESPONDENT No. 1 & 2

2. Murtaja Ali, son of Lal Mohammed, aged 43 years, Occupation Owner of the vehicle,

Both resident of Village Podi, Tahsil Kawardha, District Kabirdham (C.G).

V E R S U S

RESPONDENTS :- 1. Ashok, son of Dukhu Ram Verma, Aged about 28 years, Occupation Gram Panchayat Secretary, resident of Village Sukhatal, Tahsil Kawardha, District Kabirdham (Chhattisgarh),

CLAIMANT

2. Rajesh Kumar Kewlani, son of Thawar Das Kewlani, Occupation Vehicle Owner, resident of Village Civil Lines, Katora Talab, Raipur (Chhattisgarh),

3. Manager, The Oriental Insurance Company Limited, Raipur, Mahaveer Gaushala, Maudhapara, Raipur (C.G.),

NON-APPLICANT NO. 3 AND 4

4. Additional Motor Accident Claims Tribunal (F.T.C.), Kawaradha, District Kabirdham (Chhattisgarh).

P.R. No. 1554/05
Presented by Shri Pandey Adv
dated 11-04-05

PETITION UNDER ARTICLE 227 OF CONSTITUTION OF INDIA

XI-HC-22

उच्च न्यायालय, छत्तीसगढ़, बिलासपुर

आदेश पत्रक

मामला क्रमांक WP No. 3530 **सन्** 2005

30

..... विरुद्ध .....

आदेश का दिनांक आदेश क्रमांक सहित	आदेश हस्ताक्षर सहित	कार्यालयीन मामलों में डिप्टी रजिस्ट्रार के अन्तिम आदेश
	3-8-2005	

Shri Pankaj Agrawal, counsel for the petitioners.

Heard learned counsel for the petitioners on admission.

By the instant petition under Article 227 of the Constitution of India the petitioners have questioned the legality of the order dated 21-11-2003 whereby in para-25 of the order learned Tribunal has held that the petitioners herein have breached the condition of the insurance policy, therefore, they are responsible for payment of compensation amount. However, in the first instance the Insurance Company to pay the compensation amount, and then they are entitled to recover from the petitioners.

As on account of breach of policy the petitioners have been declared responsible for payment of the compensation amount, the Insurance Company has been directed to pay the amount and thereafter to recover the amount from the petitioners, I do not find any infirmity or illegality in this order. The writ petition is liable to be dismissed and it is accordingly dismissed.

Consequently, M.(W.)P. No.2966/2005 and I.A. No.6658/2005 also stand disposed of.

Sd/-
L.C. Bhadoo
Judge

Barve

(पीछे देखिये)